

## REMARKS

This Amendment is submitted in response to the Final Office Action dated January 31, 2008. Claims 1-7, 9, 17-20 and 22-28 are pending in the application and are rejected. Applicants respond to the Office Action as follows.

### **Response to Claim Rejections – 35 U.S.C. § 112**

Claims 27 and 28 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, it is asserted that the claims contain subject matter, which is not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Applicant respectfully traverses this rejection.

Amended claims 27 and 28 are dependent upon claims 1 and 9, respectively, and recite wherein the airflow guide or elastomeric body is formed of or comprises a formed-in-place gasket material. Applicants' specification includes an example where the airflow guide or body is formed of a polymer that is traditionally used to make form-in-place gaskets. (Applicant's Specification Page 5) Determination of whether a specification enables the claimed subject matter involves consideration of "the state of the prior art, and the level of skill in the art" as of the filing date of the application. MPEP §2164.05(a). "The state of the prior art is what one skilled in the art would have known, at the time the application was filed," about the claimed subject matter. MPEP §2164.05(a). "The specification need not disclose what is well known to those skilled in the art and preferably omits that which is well-known to those skilled and already available to the public." MPEP §2164.05(a).

Applicants' application was filed July 30, 2003. Individuals skilled in the art of materials were familiar with form-in-place gasket materials prior to July 30, 2003 as illustrated by the disclosure of the following patents.

U.S. PATENT NO.	TITLE:	DESCRIPTION
5,364,676 Issued November 15, 1994	GASKET-SEALED CASING FOR FIXED DISC MEMORY UNIT	Patent discloses “forming a rubbery gasket by the FIPG method using a curable rubber composition . . .” (Abstract) In example 1, the curable rubber composition was applied by operating a robotized FIPG coating machine. (Col. 6, lines 54-55)
5,326,611 Issued July 5, 1994	COVER GASKET ASSEMBLY FOR HARD DISK DEVICE	Discloses a gasket formed of a cured product of a flourosilicone rubber composition. (Abstract) The application and curing of the composition can be carried out by an FIPG (Formed in Place Gasket) method. (Col. 8, lines 24-28)
5,684,110 Issued November 4, 1997	SILICONE RUBBER COMPOSITION FOR FORMED-IN- PLACE GASKETS	Discloses a silicone rubber composition, “for application as a formed-in-place gasket (hereinafter abbreviated as FIPG silicone rubber composition)”. (Col. 2, lines 30-35)
5,004,793 Issued April 2, 1991	ROOM TEMPERATURE- CURABLE COMPOSITION	Discloses that “room temperature-curable silicone rubber compositions are used, due to their in-site forming properties, as formed in-place type gaskets (FIPG) . . .” (Col. 1, lines 44-45).
6,346,330 Issued February 12, 2002	FORM-IN-PLACE GASKET FOR ELECTRONIC APPLICATIONS	Discloses a “non-silicone, form-in-place gasket produced using automated placement followed by curing of a pattern of an extrudable thixotropic material . . .”(Abstract)

The above patents illustrate that FIPG (“formed-in-place gasket”) methods and

materials were known to or by people skilled in the art prior to the July 30, 2003 filing date. Since FIPG methods and materials were well known to those skilled in the art prior to the July 30, 2003 filing date, those skilled in the art would have been able to make and use the invention as recited in claims 27-28 based upon the disclosure of FIPG materials and methods on pages 5-6 of Applicants' specification. Based upon the foregoing, withdrawal of the rejection of claims 27-28 under 35 U.S.C. §112 is respectfully requested.

### **Response to Claim Rejections – 35 U.S.C. § 103**

Claims 1-7, 9, 17-20 and 22-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gidumal, U.S. Patent No. 6,296,691 in view of Dodd, U.S. Patent No. 6,116,373. By this Amendment claims 4 and 25 are cancelled. Pending claims 1-3, 5-7, 9, 17-20, 22-24, 26-28 are allowable over the combination of Gidumal and Dodd as follows.

As acknowledged in the Office Action, Gidumal does not teach an airflow guide that projects into a housing comprising an elastomeric body as claimed. The Office Action states, however, that it would have been obvious to modify the molded filter structure of Gidumal in view of Dodd, which teaches an elastomeric damping material item 30 for an acoustic horn for a loudspeaker. Gidumal discloses a molded filter, which performs multiple filtration functions within an enclosed environment. In illustrated embodiments, the molded filter forms a recirculating air filter for removing contaminants from recirculating air and a breather filter for removing contaminants from incoming external air. In illustrated embodiments, the molded filter includes permeable layers that are capable of filtering particulate. The damping material (item 30) disclosed in Dodd fills slots along side walls of an acoustic horn to damp acoustic vibrations. Dodd does not teach suitability of an elastomeric material for filtering air flow or suitability of an elastomeric material for forming a filtering layer for a combination breather filter and recirculation filter as disclosed in Gidumal.

In Gidumal the filter construction or layers are permeable and allow for airflow therethrough to filter or remove particulate from incoming external air and recirculating air. Although it is within the general skill of a worker to select a known material on the basis of its

suitability for an intended use, it is not obvious to select a material where one skilled in the art would not have recognized its suitability for the intended use. There is no teaching in the references of a porous elastomeric material or disclosure of the suitability of an elastomeric vibration damping material as a permeable or porous breather and recirculation filter material. Based upon the foregoing, withdrawal of the rejection of claims 1-3, 5-7, 9, 17-20, 22-24, 26-28 is respectfully requested. Claims 2-3, 5-7, 17-20, 22-24 and 26-28 are dependent upon claims 1 and 9 and are further distinguishable over the combination of Gidumal and Dodd.

New claims 29-31 are added. Favorable consideration of new claims 29-31 is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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